

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ELAINE M. COLEY

Plaintiff,

v.

ALABAMA MEDICAID AGENCY

Defendant

Case No: 2:06cv378-WKW

STATE OF ALABAMA
COUNTY OF

Montgomery

Before me the undersigned authority, a Notary Public in and for the County and State, personally appeared Elaine M. Coley, who, after duly sworn, deposes and says as follows:

My Name is Elaine Coley. I am over the age of (19) years. I am competent to make this Affidavit. The statements contained in this Affidavit are based upon my personal knowledge.

I am currently employed by the Department of Industrial Relations as an Administrative Support Assistant III. I have worked for the Department of Industrial Relation for (2) two years and the State of Alabama for 12 years.

I was hired by Alabama Medicaid Agency on March 25, 2000.

In February of 2003 I took a lateral transfer from Medicaid's Elderly and Disabled Certification Division-Montgomery District Office to the Office of Policy Advisor. Mary Finch and Linda Lackey were my supervisors.

Exhibit A

On or about August 23, 2003, (6) six months after I moved to the Policy Advisors' unit I was transferred the office of Research and Development due to a reorganization within Medicaid.

On or about November 1, 2003, I was transferred to the office of Research and Education- Directors Office due to further reorganization within the Agency. Where Ms. Georgette Harvest became my supervisor.

In September 2003, I took the ASA III Exam at Alabama State Personnel, my score placed me in band one where I was placed in the top ten of the band.

I interviewed for the position of ASA III at the Medicaid Agency hoping I would be able to secure the position to get me out of a hostile, stressful, situation. After being moved around (3) three times within the course of a year due to Agency Reorganizations.

In August of 2003, and March of 2004, I was assaulted by Robin Rawls who was acting as my temporary Supervisor, because of the Agency Reorganization. See attachment (1) one and (2) two.

In the coming months I would be subject to racial slurs by Supervisor Mike Murphy Stating during a meeting immediately after the second assault that he could see why she would be afraid of me by looking at the two of us. I am not larger than she. He treated me differently in that when speaking to the two of us he used a hostile, harsh tone of voice when speaking to me and at times would raise voice at me. Robin Rawls was treated with a pleasant tone.

In July 2004, Mike Murphy gave me an Annual Appraisal which carried over from the office of Policy Advisor with a Corrective Action Plan Instituted by presiding supervisors Mary Finch and Linda Lackey. I was treated differently in that I was not given the opportunity as white co-workers in the unit to start in a new office section with a fresh start in a new job with new duties. When I arrived in the office of Program Support in March of 2004, I was not given a description of my job duties until July of 2004 when my Annual Appraisal was conducted. Despite Memorandum from Medicaid Personnel Director who at the time was Henry Davis.

Mr. Murphy told me during the meeting that I was the worst Secretary he had ever had in all the history of his employment. In a harsh tone of voice he also accused me of entering duplicate social security numbers on a project that I was working on. I asked him if he had tried to enter any data on the program I was doing he stated he had not, I explained to him that the system would not allow me to enter a duplicated social security number.

Robin Rawls, Jean Stone and Mary Hasselwander, were white females in the same unit who were never treated the same as I was. They did not have to email to Mike Murphy the time of their goings and comings from lunch, I did. There were times when they were absent from their stations long periods of time unaccounted for. I had to give an account

for each time I was away from my desk. The evaluation was unfair in that Mike Murphy graded me on task that I did not perform. I was graded down from a meet standard to partially meet standards, using duties of which I did not perform. Mike Murphy did not grade white employees by the same standards.

I tried to no avail to get help with the problems I was having at the Medicaid Agency I requested a meeting with the Affirmative Action Committee.

Medicaid Agency had not held an Affirmative Action Meeting in several years. It was after my request to appear before the Affirmative Action Board that a meeting was held.

In December of 2004, Upon the recommendation of the Medicaid Commissioner I filed my EEOC complaint on the basis of racial discrimination.

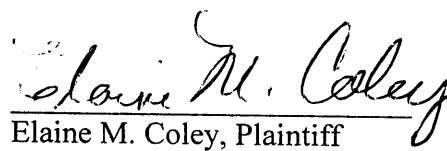
In January of 2005 I accepted a job with the Department of Industrial Relations. There my job performance has meet expectations and exceeded expectations.

The day I turned my resignation Medicaid Agency immediately upgraded the desk in Mike Murphy's Office to that of an ASA III position for Kim Black a white female for a lateral transfer, and later converted back to an ASA II some months later, and recently converted back to that of an ASAI for Ms. Nancy Rawlinson a white female to accommodate her with a disability. I was not treated with the same consideration

After September 2004 I interviewed in the office of Family Certification with Ms Vicki Wilson for and ASA II position. After the announcement went out to the Agency I interviewed and a few days later I was informed that the positions had been upgraded that of MCBS I, when I was in was working in the office of Research and Education under the supervision of Ms. Georgette Harvest I helped in the Unit of Prior Authorization under the Supervision of Ms Felicia Barrow.

During the course of the Agency move, I talked with Ms. Barrow ask if she could use my help in the Unit as I was aware that the unit was operating on a shortage of staff in order to need my assistant. She related to me that she had written a letter to her supervisor who was Dr. Mary McIntyre and that Dr. McIntyre had forward the letter to the office of Mr. Lee Maddox Deputy Commissioner over Medicaid Personnel. Ms Barrow told me she inquired about the letter and was told that it was in the possession of Mr. Lee Maddox Deputy Commissioner over personnel. During meeting with Mr. Maddox he stated to me he had no where to place me. See attachment (3) three.

I hereby declare under penalty of perjury that the foregoing is true to the best of my knowledge.


Elaine M. Coley, Plaintiff

ALABAMA MEDICAID AGENCY

March 3, 2004

MEMORANDUM

To: Lee Maddox, Deputy Commissioner
Administrative Services

Thru: Mary G. McIntyre, M.D.
Medical Director

From: Felecia S. Barrow, Associate Director
Prior Approval Unit
Office of the Medical Director

Re: Request to Acquire Clerical Staff— Elaine Coley (ASA II)

This memo serves as a request to acquire current ASA II, Elaine Coley. Ms. Coley was previously assigned to the Research and Development Unit, Office of the Medical Director and due to the reorganization, has been assigned to another division.

The PA Unit has been fortunate enough to have received three additional nurses and a clerical aide as a result of the reorganization. As indicated on the Prior Approval Unit Organizational Plan submitted in January, it will be the function of the Nurse Reviewers in the Unit to review for medical necessity, the over 3,000 requests submitted on a monthly basis. It will be the function of the clerical staff to prepare the requests for review and input/retrieve data from the system as instructed by the Nurse Reviewers and MCBS II. The additional staff that we have received falls in line with the organizational plan for the Unit (see attached) and your recognition of the critical need is greatly appreciated.

In addition to the current requests received and processed, the Unit will now handle processing of all dental PA's. The number of requests submitted on a monthly basis can average from 400 to 600. In order to effectively manage the additional requests that will need processing, I am requesting the acquisition of another clerical staff person— Ms. Coley.

Ms. Coley, under the authorization of the Office of the Medical Director, has had an opportunity to assist the Unit in preparing correspondence and has been trained on input/retrieval functions of the system regarding PA requests processed. I believe that she would be an asset to the Unit as we continue to manage the incoming workload efficiently and effectively.

Thank you for your consideration of this request as you have provided in previous requests. Should you require additional information, please do not hesitate to contact me at 2-5223.

\fsb

Attachment

cc: Mary McIntyre, M.D.

Attachment III

03/16/2004

Tuesday morning at 9:30 am (3/16/04) a meeting was held with Mike Murphy, Robin Rawls and I concerning an altercation that happened yesterday 03/15/2004, approximately 4:45 pm. The incident took place in my office space when I ask Robin Rawls about some boxes that were located in the front of my desk She told me (in an ugly tone) that the boxes were to go to Jean Stone's storage area. I told her okay and it was past my time to go home. I then asked why the boxes couldn't stay where they were until someone came to pick them up. She stated that she didn't want them to stay where they were and that they were going to stay right there and for me not to move them I then told her fine, she then went into her office In the meantime I was gathering my things to leave for the day, she then came back to the boxes and told me (very rudely) not to move the boxes because they were going to Jean Stone's storage area, I told her again fine, that I was going home because it was past time for me to go. I also asked her what was wrong with her and why she was talking to me that way. She then said to me that I would not speak to her in that tone of voice and that we were going to talk to Henry Davis and Mike Murphy. I told that I was going home and that I was sick of her harassing me everyday, she then jumped in front of me to block my way. I asked her to move, her reply was "no Elaine you're going to stay right here and talk". So I asked her again to move out of my way I finally made my way around her after she went into the hall to get Tina Edwards. She then returned again to stop me from leaving. By this time Tina Edwards was telling her that some things she should just let go and that she should just let this go. But she never paid any attention to Tina because by this time I was headed to the side door (#3086). When I got to the side door she had run around from the other door (3084) and was there with both her arms stretched out trying to block me again.

During the meeting I was lied on and made to look like the villain. Robin Rawls completely lied and turned the situation around. I was told that there were two statements given in reference to the incident. I was not shown the one statement that had been given to Mike Murphy. He informed me that he had yet to receive another one as there were two. I saw during the meeting that Robin was going to continue to fabricate and be unfair about the situation as she has been in the past when it comes to dealing with me. I then expressed to Mike Murphy that I was very uncomfortable working around her, because I now see that she is a treacherous liar, underhanded, conniving person to say the least Mike Murphy also expressed to me during the meeting he could see why (by looking at the two of us) how Robin could possibly be afraid of me.

This is not the first time Robin Rawls and I have had these kinds of dealings She previously on another occasion grabbed me by my arm in an effort to stop me from departing she and I had to talk to Personnel Officials about that incident.

Therefore in an effort to resolve this situation I am requesting to be transferred immediately to another area in the agency.

Sincerely,

Elaine M. Coley

Attachment II

August 27th, 2003

This morning when I arrived to work I went in to ask Robin Rawls what she planned for me to do today, as she had been temporarily assigned to be my temporary supervisor. She ask me about my time slip I had turned in to her and said that I had not given her one for a specific day I told her that I had some hang time that I had used for the time in question. I was then told that I needed to turn in a leave slip for the time.

I then turned to walk away Mrs. Rawls jumped from her chair ran to the door and put her arm out across in front of the door grabbing the door knob saying to me that she was not finish talking to me My reply was okay what else is it you need to say? It was then stated to me that she needed a time slip for the time, my reply was I'll give you a time slip but you and I both know you are taking time from me for nothing. I then attempted to walk on out of the door to go to my office she then grabbed me by my arm and repeated the statement that she was not finish talking to me. I snatched my arm away from her and walked on out into the hall way were she followed me and jumped in front of me standing at the entrance of my office door saying Elaine we need to talk—you come in this office right now, I told her I was not going to talk to her alone, I then went in the opposite direction.

I then went to Personnel explained the situation to Mr. Henry Davis and ask for a meeting.

A meeting was immediately held with Robin Rawls my self Henry Davis and Nikki Scott. In the meeting it was express to Mrs. Rawls than she should never touch or assault another employee along with other rules and regulation pertaining to matter of this nature. We also went over the matter of the Corrective Action Plan that had been placed in file as an attachment to my evaluation by Mary Finch/Linda Lackey. Mrs. Rawls was told by Mr. Davis to come up with a work schedule or a project list when she mentioned the Corrective Action Plan.

Sincerely,

Elaine M. Coley

Attachment I